IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 14856 of 2004

Between:

Ramakrishna Nagar Weaker Section Welfare Association,

represented by its General Secretary, Smt. T. Usha,

W/o. Om Prakasam Chauhan, Aged 40 years, O/o. 7-100/74,

Ramakrishna Nagar Weaker Section Colony,

Quthbullapur Mandal, R.R. District.

..... PETITIONER

AND

1 The Special Court under A.P. Land Grabbing (Prohibition) Act,

B.R.K.R. Bhavan, II Floor, Tank Bund Road, Hyderabad.

2 The Revenue Divisional Officer (East Division), Ranga Reddy

District, M.J.Market, Hyderabad.

Nemmani Vamana Murthy(Died) Per LRS.

3 N.Vishnu Murthy, S/o. N. Vamana Murthy, Age Major,

Occ : Not Known, R/o. 3-3-85, Quthbullapur Mandal,

R.R. District.

4 N. Venu Murthy, S/o. N. Vamana Murthy, Age Major,

Occ : Not Known, R/o. 3-3-85, Quthbullapur Mandal,

R.R. District.

5 N. Vikram Murthy, S/o. N. Vamana Murthy, Age Major,

Occ : Not Known, R/o. 3-3-85, Quthbullapur Mandal,

R.R. District.

6 N. Omkara Murthy, S/o. N. Vamana Murthy, Age Major,

Occ : Not Known, R/o. 3-3-85, Quthbullapur Mandal,

R.R. District.

7 Gummadi Enterprises, represented by its Proprietor

G. Madhusudhan Rao, S/o. G. Ramaswamy,
Age Major, Occ : Business, R/o. 5-1-3, HMT Road,

Chintal, Quthbullapur Mandal, R.R. District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any appropriate Writ, Order or direction, more particularly one in the nature of Writ of Certiorari declaring the order dated 04-12-1998 passed in L.G.C. 114/1996 by the Special Court under A.P. Land Grabbing (Prohibition) Act 1982 as illegal, arbitrary and without jurisdiction and issue rule nisi and quash the same.

For the Petitioner: Ms. VARALAKSHMI TADEPALLI, Advocate (Not present).

For Respondent Nos.1 and 2: GP FOR REVENUE.

For Respondent Nos. 3 to 7: Mr. M.V.S. Suresh Kumar, Advocate.

The Court made the following Order: (per Sri B. Sudershan Reddy, J)

None appears on behalf of the writ petitioner in spite of providing innumerable opportunities by the Court. The matter underwent several adjournments.

We have heard Sri M.V.S. Suresh Kumar, learned counsel appearing on behalf of respondents 3 to 7 and as well as the learned Government Pleader. We have perused the affidavit filed in support of the writ petition and the impugned order.

One Nemmani Vamana Murthy and Gummadi Enterprises represented by its Proprietor, G. Madhusudhan Rao (respondent No. 7 herein) filed L.G.C No. 114 of 1996 on the file of the Special Court under the A.P Land Grabbing (Prohibition) Act, Hyderabad for evicting the respondents therein from the application schedule land viz., land admeasuring 6000 square yards in Sy.No. 104 and 1200 square yards in Sy.No. 50 of Qutubullapur Village. The Special Court by its Order dated 4.12.1998 allowed the L.G.C and accordingly ordered the eviction of the respondents therein from the application schedule land. It is required to notice that respondents 3 to 6 herein are the legal representatives of the said deceased Vamana Murthy who filed L.G.C No. 114 of 1996 along with the 7th respondent herein.

The respondents in the said L.G.C filed W.P No. 19937 of 2000 challenging the correctness of the judgment of the Special Court. This Court by its Order dated 26.9.2002 dismissed the writ petition confirming the order passed by the Special Court.

Be it as it may, the very writ petitioner herein together with some of its alleged members filed O.S No. 1067 of 2004 on the file of the learned Principal Senior Civil Judge, Ranga Reddy District against the 2nd respondent herein as well as the District Collector, Ranga Reddy District and the Mandal Revenue Officer, Qutubullapur for perpetual injunction. The petitioner failed to get temporary injunction in the said suit. Thereafter, the present writ petition is filed on 18.8.2004 challenging the decision of the Special Court rendered in L.G.C No. 114 of 1996 which has attained finality vide the Judgment of this Court dated 26.9.2002 in W.P No. 19937 of 2000. The conduct of the petitioner is eloquent and speaks for itself. The petitioner cannot be permitted to pursue parallel remedies. It is more than clear that the petitioner is set up by the respondents in the said L.G.C who suffered the eviction order. It is required to notice that the Judgment in L.G.C No. 114 of 1996 had received its affirmation in the hands of this Court in W.P No. 19937 of 2000. The Judgment of the Special Court constituted under the provisions of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 is the Judgment in rem and its findings are binding even on those who are not impleaded as parties. The petitioner indulged in abuse of judicial process and the writ petition deserves dismissal only on that ground.

The Writ Petition is accordingly dismissed. Consequently, the interim order granted by this Court on 20.08.2004 shall stand vacated. There shall be no order as to costs.

(B. Sudershan Reddy, J)

28..09..2004

(K.C. Bhanu, J)

ks

This petition having set down for being mentioned on this Wednesday Twenty Ninth day of September, Two Thousand and Four (29-09-2004) and upon hearing the arguments of

Ms. Varalakshmi Tadepalli, Advocate for the petitioner, the Court made the following Order:

ON BEING MENTIONED

-

We have heard the learned counsel for the petitioner at her request, as she was not present yesterday when the matter was listed for hearing. After hearing the learned counsel for the petitioner today, we arrive at the same conclusion as we did for dismissal of the writ petition on 28.9.2004.

However, this order, shall in no manner affect the proceedings in O.S.No.1067/04 on the file of the learned Principal Civil Judge, Ranga Reddy District. Likewise, the right of the petitioner society or its members to object to the execution of the decree passed in LGC No.114 of 1996 is left open. That if any objections are preferred, the same may have to be considered in accordance with law on their own merit.

(B.SUDERSHAN REDDY,J)

DT.29.09.2004

(K.C.BHANU,J)

msv.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Special Court under A.P. Land Grabbing (Prohibition) Act,

B.R.K.R. Bhavan, II Floor, Tank Bund Road, Hyderabad.

2 The Revenue Divisional Officer (East Division), Ranga Reddy

District, M.J.Market, Hyderabad.

3 Two CCs to the Government pleader for Revenue, High Court of

Andhra Pradesh, Hyderabad (OUT).

4 Two CD copies.